THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.24790 of 2004

ORDER:

This writ petition is directed against an order passed by the Respondent-Joint Collector in Roc.No.S5/1258/2003 dated 30.8.2004.

The petitioner is a kerosene dealer holding the licence bearing No.54/SKO/82 which was valid upto 31.12.2005. It seems that when he fell in dues of commercial taxes, an explanation was asked and he submitted his explanation on 5.7.2004. However, for the purpose of resolving the dispute between the petitioner and the Commercial Taxes Department, the Respondent-Joint Collector passed the impugned order dated 30.8.2004 suspending the 'B' form licence of the petitioner as per clause 28(2) of the Andhra Pradesh Petroleum Products (Licensing & Regulation of Supplies) Order, 1980 and for cancellation of licence as per clause 28(1) of the said orders. It seems that on 19.11.2004 the Petroleum Corporation has realized and restored the supply of products. Thereafter, the Corporation addressed a letter to the petitioner stating that since his 'B' form licence was suspended, he was directed to obtain suitable orders. Under those circumstances, he filed the present writ petition.

No counter is filed. Heard the learned counsel for both parties and perused the impugned order and other material made available on record.

At the outset, I am of the opinion that the impugned order is atrocious. It is unfortunate that the Respondent-Joint Collector has taken a decision to resolve the dispute between the petitioner and the Commercial Taxes Department. The Respondent has no authority to do so. The impugned order is ex-facie illegal and liable to be set aside.

Having regard to the above, the writ petition is allowed and impugned order and all the consequential orders therefor are set aside. No order as to costs.

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C.V.RAMULU, J

Date: 6.6.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.24790 of 2004

6.6.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH

AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.24790 of 2004

Dated: 6th June, 2006

Between:

S.Sudhakar

.. Petitioner

and

The Joint Collector (Civil Supplies),

Chittoor, Chittoor district.

.. Respondents